

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

HU YANG,

Plaintiff,

v.

CAPITAL ONE SERVICES, LLC,  
AND AMPCUS INC.,

Defendants.

CIVIL ACTION NO.  
1:23-cv-00354-VMC-RDC

**CONSENT MOTION FOR EXTENSION OF TIME FOR CAPITAL ONE  
TO ANSWER OR OTHERWISE PLEAD AND BRIEF IN SUPPORT**

Defendant Capital One Services, LLC (“Capital One”), pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, files this Consent Motion for Extension of Time for Capital One to Answer or Otherwise Plead and Brief in Support, showing the Court as follows:

1. On January 24, 2023, Plaintiff Hu Yang (“Plaintiff”) filed his Complaint for Damages (the “Complaint”), asserting claims for violations of his rights under the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12111 et seq., Title VII of the Civil Rights Act of 1964, as amended, and the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201 et seq.

2. On February 1, 2023, Capital One was served with a copy of the Complaint.

3. On February 6, 2023, Plaintiff filed his First Amended Complaint for Damages (“First Amended Complaint”).

4. Capital One’s responsive pleadings currently are due on February 22, 2023.

5. In order to fully evaluate the allegations, their impact on other litigation, and prepare responsive pleadings, Capital One has requested and Plaintiff has agreed to extend the deadline for Capital One to answer, move or otherwise respond to Plaintiff’s First Amended Complaint by 30 days – i.e., until March 24, 2023.

6. The case is still in its early stages and the requested extension, which is sought in good faith, will not appreciably delay the resolution of this matter. This is the first request for an extension of time to answer, move or otherwise respond in this matter by Capital One, and there is no scheduling order in this matter. Moreover, counsel for Plaintiff has indicated that Plaintiff consents to this motion.

WHEREFORE, Capital One respectfully requests that the Court grant this Consent Motion for Extension of Time for Capital One to Answer or Otherwise

Plead. A proposed Order is attached as Exhibit A hereto for the Court's consideration.

Respectfully submitted this 13<sup>th</sup> day of February, 2023.

/s/Shirley D. Akrasah

Ashley Z. Hager

Georgia Bar No. 784505

Telephone: 404.885.3428

Email: [ashley.hager@troutman.com](mailto:ashley.hager@troutman.com)

Shirley D. Akrasah

Georgia Bar No. 597467

Telephone: 404-885-3018

Email: [shirley.akrasah@troutman.com](mailto:shirley.akrasah@troutman.com)

Troutman Pepper Hamilton Sanders LLP

600 Peachtree Street NE, Suite 3000

Atlanta, Georgia 30308

Facsimile: 404.885.3900

*Attorneys for Defendant Capital One Services,  
LLC*

**CERTIFICATE OF COMPLIANCE**

Pursuant to Local Rule 7.1(D), I hereby certify on the 13<sup>th</sup> day of February 2023, that the foregoing has been prepared in Time New Roman, 14-point font, and otherwise complies with the requirements of Local Rule 5.1.

/s/Shirley D. Akrasah  
Shirley D. Akrasah

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing CONSENT MOTION FOR EXTENSION OF TIME FOR CAPITAL ONE TO ANSWER OR OTHERWISE PLEAD AND BRIEF IN SUPPORT was electronically filed with the Clerk of Court using the CM/ECF system, which serves notification of such filing to all CM/ECF participants.

This 13<sup>th</sup> day of February, 2023.

/s/Shirley D. Akrasah  
Shirley D. Akrasah

**Exhibit A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

HU YANG,

Plaintiff,

v.

CAPITAL ONE SERVICES, LLC,  
AND AMPCUS INC.,

Defendants.

CIVIL ACTION NO.  
1:23-cv-00354-VMC-RDC

**[PROPOSED] ORDER GRANTING  
CONSENT MOTION FOR EXTENSION OF TIME**

BEFORE THE COURT is the Consent Motion for Extension of Time FOR Capital One to Answer or Otherwise Plead and Brief in Support filed on February 13, 2023. Upon consideration, the Motion is **GRANTED** and it is hereby **ORDERED AND ADJUDGED** that Defendant Capital One Services, LLC shall have until March 24, 2023, to answer or otherwise respond to Plaintiff's First Amended Complaint.

**IT IS SO ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

---

HONORABLE REGINA D. CANNON  
UNITED STATES MAGISTRATE JUDGE